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| OLIFF & BERRIDGE, PLC P.O. BOX 320850 ALEXANDRIA, VA 22320-4850 | | | EXAMINER AMINI, JAVID A | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/759,006

Applicant(s)

NAGAHASHI ET AL.

Examiner

Javid A. Amini

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

Applicant's arguments filed 7/23/2007 have been fully considered but they are not persuasive.

The objection to the specification has been withdrawn.

Applicant in the forth paragraph on page 8 of the remarks argues that Kusunoki and Tsai do not teach an image editing device.

Examiner's reply: Kusunoki at [0133] teaches clearly an image-editing device, the second reference teaches at [0035] not only an image editing device but also a multi-mode image editing device.

Applicant in second paragraph on page 9 of the remarks argues that Kusunoki does not teach a noticing area calculation.

Examiner's reply: "a noticing area calculation" is considered a broad terminology in the claimed invention, and Kusunoki teaches this feature, see previous rejection.

Examiner's suggestion: Applicant may be amended or added more supportive limitations as to how the noticing area calculation is created, because when a user edits a part of an image, it may be referred as a noticing area, another words the selected area has properties, and these properties need to be calculated in order to modify the image.

Applicant in paragraph three on page 9 argues the second reference does not teach a trimming rule.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. On the other hand the second reference Tsai teaches the broad term

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“trimming” in [0052] discloses encompass all modifications and similar arrangements. In [0010] teaches a multi-mode image it means containing e.g., a trimming rule i.e. line art, gray-level, and colors.

Applicant in forth paragraph on page 9 argues that Tsai does not address the deficiencies of Kusunoki.

Examiner’s reply: in previous office action disclosed that Kusunoki does not explicitly specify (*see underlined features, emphasis added*) a noticing area (i.e. the first display area 38) error calculating section (*Examiner interpreted it as an adjusting section not as an error calculating section*) for calculating a distribution ratio of the noticing area in the trimming scope or the template (i.e. the template 84). Tsai at [0032] teaches computing distribution ratios (shown in fig. 3 step 250) of the pixels in the line art space, the gray-level space and the colors space for each image square.

Examiner encourages Applicant to schedule an interview.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kusunoki

Pub. No. US 2002/0048413 A1, and in view of Tsai et al. Pub. No. US 2003/0002733 A1, hereinafter Tsai.

Claim 1.

Kusunoki at [0002] teaches an image editing device for trimming an image, that relates to an image system for forming an image on the basis of image data entered into imaging system. Kusunoki at [0113] teaches a noticing area calculating section (i.e. the display area 88 shown in fig. 6) that calculates a noticing area of an image which is an object for a trimming operation (i.e. the display area of 84, shown in the same figure). Kusunoki in fig. 6 teaches a trimming rule designating section (i.e. the display area designated with number 38) that designates a trimming method for trimming the noticing area of the image which is the object for the trimming operation, and designates a trimming scope (i.e. in display area of 88). Kusunoki at [0089] and in figs. 10 teaches a trimming shape designating section that designates an arbitrary shape (Kusunoki at [0091] teaches selection of different templates in a reduce size) an arbitrary of a trimming scope when the designating operation of the trimming scope is selected by the trimming rule designating section. Kusunoki at [0110] teaches the image data and the templates data are stored which is used for the trimming operation among a template group which is memorized in advance when a using operation for the template is designated by the trimming rule designating section.

Kusunoki at [0122] teaches that the operator may adjust the first display area 38 to have a new aspect ratio corresponding to the aspect ratio of the template 84, but

Kusunoki does not explicitly specify (*see underlined features*) a noticing area (i.e. the first display area 38) error calculating section (*Examiner interpreted it as an adjusting section not as an error calculating section*) that calculates a distribution ratio of the noticing area in the trimming scope or the template (i.e. the template 84), and according to the distribution ratio of

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the noticing area calculated by the noticing area calculating section, the image adjustment including enlarging (e.g., in [0065] an enlarged size in the main display area), contracting (e.g., in [0131] teaches the image reduction or magnification rate), and rotating an image (e.g., in [0072] teaches turning 90 degrees).

Tsai at [0032] teaches computing distribution ratios (shown in fig. 3 step 250) of the pixels in the line art space, the gray-level space and the colors space for each image square.

The Examiner interprets the last part lines 15-18 of the claimed invention, as follows: *an image processing section adjusts the distribution ratio of the noticing area in the template according to the method, which is designated by the trimming rule designating section*. The claimed invention lines 15-18 recited: an image processing section for enlarging, contracting, and rotating the image, the trimming scope, and the template so as to adjust the distribution ratio of the noticing area in the trimming scope or the template according to the method which is designated by the trimming rule designating section.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Tsai's computing distribution ratio into Kusunoki's invention in order to minimize the requires less memory and a shorter processing time.

Claim 2.

Kusunoki at [0122] teaches that an operator may adjust the position of the inner frame with the background image or as claim's feature recited, center aligning section for aligning a center of the noticing area and a center of the trimming scope or a center of the template.

Claim 3.

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Kusunoki in figs. 10 illustrates the center of the noticing area is a crossing point of diagonal lines of a rectangle which surrounds the noticing area; and the center of the template is a crossing point of diagonal lines of a rectangle which surrounds the template.

Claim 4.

Kusunoki does not explicitly specify a noticing area threshold section which determines a threshold with reference to the noticing area having the highest noticing degree and determines the noticing area having the noticing degree which is higher than the threshold when the noticing area is calculated by the noticing area calculating section.

However, Tsai at [0032] teaches step 230 in fig. 3 separates a colors coordinate into line art space, gray-level space and colors space. In step 240 cuts the preliminary colors image into several image squares (see specification on page 10 lines 5-6) in an orthogonal way.

Claim 5.

Kusunoki at [0002] teaches an image editing device for trimming an image, that relates to an image system for forming an image on the basis of image data entered into imaging system. Kusunoki at [0113] teaches a noticing area calculating section (i.e. the display area 88 shown in fig. 6) that calculates a noticing area of an image which is an object for a trimming operation (i.e. the display area of 84, shown in the same figure). Kusunoki in fig. 6 teaches a trimming rule designating section (i.e. the display area designated with number 38) for designating a trimming method for trimming the noticing area of the image which is the object for the trimming operation (i.e. in display area of 88). Kusunoki at [0089] and in figs. 10 teaches a trimming shape designating section for designating an arbitrary shape (Kusunoki at [0091] teaches selection of different templates in a reduce size) an arbitrary of a trimming scope when the designating

operation of the trimming scope is selected by the trimming rule designating section. Kusunoki at [0110] teaches the image data and the templates data are stored which is used for the trimming operation among a template group which is memorized in advance when a using operation for the template is designated by the trimming rule designating section. Kusunoki at [0092] teaches reducing or enlarging the template or the crop boundary 83 see Kusunoki's Fig. 4 for enlarging, contracting, and rotating the image Kusunoki in fig. 6 48a illustrates rotating an image, the trimming scope, and the template so as to adjust the distribution ratio of the noticing area in the trimming scope or the template according to the method which is designated by the trimming rule designating section. Kusunoki at [0122] teaches that the operator may adjust the first display area 38 to have a new aspect ratio corresponding to the aspect ratio of the template 84, but

Kusunoki does not explicitly specify (*see underlined features*) a noticing area (i.e. the first display area 38) error calculating section (*Examiner interpreted it as an adjusting section not as an error calculating section*) that calculates a distribution ratio of the noticing area in the trimming scope or the template (i.e. the template 84).

Tsai at [0032] teaches computing distribution ratios (shown in fig. 3 step 250) of the pixels in the line art space, the gray-level space and the colors space for each image square.

The Examiner's interpretation the claimed invention, as follows: *an image processing section adjusts the distribution ratio of the noticing area in the template according to the method, which is designated by the trimming rule designating section.*

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Tsai's computing distribution ratio into Kusunoki's invention in order to minimize the requires less memory and a shorter processing time.

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Claim 6.

Kusunoki at [0002] teaches an image editing device for trimming an image, that relates to an image system for forming an image on the basis of image data entered into imaging system. Kusunoki at [0113] teaches a noticing area calculating section (i.e. the display area 88 shown in fig. 6) that calculates a noticing area of an image which is an object for a trimming operation (i.e. the display area of 84, shown in the same figure). Kusunoki in fig. 6 teaches a trimming rule designating section (i.e. the display area designated with number 38) for designating a trimming method for trimming the noticing area of the image which is the object for the trimming operation (i.e. in display area of 88). Kusunoki at [0089] and in figs. 10 teaches a trimming shape designating section for designating an arbitrary shape (Kusunoki at [0091] teaches selection of different templates in a reduce size) an arbitrary of a trimming scope when the designating operation of the trimming scope is selected by the trimming rule designating section. Kusunoki at [0110] teaches the image data and the templates data are stored which is used for the trimming operation among a template group which is memorized in advance when a using operation for the template is designated by the trimming rule designating section. Kusunoki at [0092] teaches reducing or enlarging the template or the crop boundary 83 see Kusunoki's Fig. 4 for enlarging, contracting, and rotating the image Kusunoki in fig. 6 48a illustrates rotating an image, the trimming scope, and the template so as to adjust the distribution ratio of the noticing area in the trimming scope or the template according to the method which is designated by the trimming rule designating section. Kusunoki at [0122] teaches that the operator may adjust the first display area 38 to have a new aspect ratio corresponding to the aspect ratio of the template 84, but

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Kusunoki does not explicitly specify (*see underlined features*) a noticing area (i.e. the first display area 38) error calculating section (*Examiner interpreted it as an adjusting section not as an error calculating section*) that calculates a distribution ratio of the noticing area in the trimming scope or the template (i.e. the template 84).

Tsai at [0032] teaches computing distribution ratios (shown in fig. 3 step 250) of the pixels in the line art space, the gray-level space and the colors space for each image square.

The Examiner's interpretation the claimed invention, as follows: *an image processing section adjusts the distribution ratio of the noticing area in the template according to the method, which is designated by the trimming rule designating section.*

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Tsai's computing distribution ratio into Kusunoki's invention in order to minimize the requires less memory and a shorter processing time.

Claim 7.

Kusunoki does not explicitly specify a noticing area threshold section, which determines a threshold with reference to the noticing area having the highest noticing degree, and determines the noticing area having the noticing degree, which is higher than the threshold when the noticing area is calculated, by the noticing area calculating section.

However, Tsai at [0032] teaches step 230 in fig. 3 separates a colors coordinate into line art space, gray-level space and colors space. In step 240 cuts the preliminary colors image into several image squares (see specification on page 10 lines 5-6) in an orthogonal way.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Tsai's computing distribution ratio into Kusunoki's invention in order to minimize the requires less memory and a shorter processing time.

Claim 8.

Kusunoki in figs. 10 illustrates the center of the noticing area is a crossing point of diagonal lines of a rectangle which surrounds the noticing area; and the center of the template is a crossing point of diagonal lines of a rectangle which surrounds the template.

Kusunoki does not explicitly specify a noticing area threshold section, which determines a threshold with reference to the noticing area having the highest noticing degree, and determines the noticing area having the noticing degree, which is higher than the threshold when the noticing area is calculated, by the noticing area calculating section.

However, Tsai at [0032] teaches step 230 in fig. 3 separates a colors coordinate into line art space, gray-level space and colors space. In step 240 cuts the preliminary colors image into several image squares (see specification on page 10 lines 5-6) in an orthogonal way.

Thus, it would have been obvious to a person skill in the art at the time of the invention to combine Tsai's computing distribution ratio into Kusunoki's invention in order to minimize the requires less memory and a shorter processing time.

Claims 9-12 are rejected with similar reason as set forth in claim 1, above.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Javid A. Amini whose telephone number is 571-272-7654. The examiner can normally be reached on 8-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kee Tung can be reached on 571-272-7794. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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Art Unit 2628

J.A.



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SUPERVISORY PATENT EXAMINER